

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES HARRIS,

Plaintiff,

v.

MICHAEL PAIGE

and

CITY OF PHILADELPHIA,

Defendants.

CIVIL ACTION

No. 08-2126

ORDER

AND NOW, this 22nd day of September, 2009, upon consideration of Defendant Michael Paige's Motion to Dismiss and Strike (Doc. No. 27), and the Response in opposition thereto, it is hereby **ORDERED** that said Motion is **DENIED IN PART** and **GRANTED IN PART**. The Motion to Dismiss Counts I, II, III, V, VI, VII, VIII, IX, X, XI, and XII is **DENIED**. The Motion is **GRANTED** with respect to Count IV. It is further **ORDERED** that:

1. Plaintiff James Harris's request for attorneys' fees is **DENIED**;
2. Plaintiff James Harris's Praecipe to Enter Default Judgment Against Defendant Michael Paige (Doc. No. 28) is **DENIED**;
3. Defendant Michael Paige's Motion to Strike Plaintiff's Praecipe to Enter Default Against Defendant Michael Paige (Doc. No. 30) is **DENIED** as moot; and
4. Defendant Michael Paige shall answer the Complaint within twenty (20) days of

the date of this Order.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE